

**CITY OF LEOMINSTER**

**CITY COUNCIL**

**MAY 14, 2007**

**HEARING BEFORE THE CITY COUNCIL, 7:15 P.M.**

**(Continued from April 9, 2007)**

- 58-07 Beth and Frank Novak and ten registered voters: Amend section 22-26, of the Leominster Zoning Ordinances entitled "Table of Uses" to allow Day Spas in a Residential B district, as a use allow by right. (Legal Affairs)

**HEARING BEFORE THE CITY COUNCIL, 7:30 P.M.**

Relative to amending Chapter 13, Section 13-34 of the Revised Ordinances entitled "No Parking on Certain Streets" by inserting Vinton Street (both sides), from intersection with Mechanic Street in a southwesterly direction for a distance of twenty feet and Mechanic Street (south side), beginning at the intersection with Vinton Street in an easterly direction for a distance of twenty feet. (Legal Affairs Pet. #64-07)

**PUBLIC FORUM, 7:45 P.M.**

**REGULAR MEETING OF THE CITY COUNCIL, 8:00 P.M.**

**ROLL CALL**

**COMMUNICATIONS**

- C-134 EMERGENCY PREAMBLE:  
Relative to the appropriation of \$10,000.00 to the Veteran's Capital Outlay Expense Account; same to be transferred from the Excess and Deficiency Account. (Finance)

**REGULAR MEETING OF THE CITY COUNCIL, continued****COMMUNICATIONS, continued**

- C-135      EMERGENCY PREAMBLE:  
Relative to the appropriation of \$2,700.00 to the Forestry Expense Account; same to be transferred from the Excess and Deficiency Account. (Finance)
- C-136      Relative to the appropriation \$9,000.00 to the Cemetery Salary and Wages Account; same to be transferred from the Cemetery Perpetual Care Income Trust Fund. (Finance)
- C-137      Relative to the appropriation of \$590.00 to the Cemetery Expense Account; same to be transferred from the Cemetery Perpetual Care Income Account. (Finance)
- C-138      Relative to the appropriation of \$7,596.00 to the Cemetery Capital Outlay Expense Account; same to be transferred from the Excess and Deficiency Account. (Finance)
- C-139      Relative to the appropriation of \$28,144.00 to the Cemetery Capital Outlay Expense Account; same to be transferred from the Cemetery Perpetual Care Income Account. (Finance)
- C-140      Relative to the appropriation of \$2,500.00 to the Economic Development Expense Account; same to be transferred from the Excess and Deficiency Account. (Finance)
- C-141      Relative to the appropriation of \$850.00 to the Health Department Expense Account; same to be transferred from the Excess and Deficiency Account. (Finance)
- C-142      Relative to the appropriation of \$55,000.00 to the Snow and Ice Expense Account; same to be transferred from the Excess and Deficiency Account. (Finance)
- C-143      Relative to the appropriation of \$15,000.00 to the Police Department Capital Outlay Expense Account; same to be transferred from the Excess and Deficiency Account. (Finance)
- C-144      Relative to the appropriation of \$75,000.00 to the Highway Department Expense Account; same to be transferred from the Excess and Deficiency Account. (Finance)

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## **REGULAR MEETING OF THE CITY COUNCIL, continued**

### **COMMUNICATIONS, continued**

- C-145 Dean J. Mazzearella, Mayor: Amend Section 16-30 of the Revised Ordinances by deleting Schedule W in its entirety and inserting in its place a new Schedule W (1)(b), (2)(b) and (3)(b) increasing the pay scales for W-1 thru W-6 by 3% effective 7-1-2006, 5% effective 7-1-2007 and 4% effective 7-1-2008. (Legal Affairs)
- C-146 Dean J. Mazzearella, Mayor: Request the following streets be closed off to traffic for the first annual summer stroll on June 23, 2007 from 12:30 – 5:00 P.M.
- From approximately Gariepy Furniture through Monument Square (both sides)
  - Manning Avenue open for access to parking only from Mechanic Street
  - From the corner of Mechanic and Main Street (Bank of America towards Christina Life Center) both sides
  - From the corner of Depot Square and Main Street (Sentinel and Enterprise through Pizza Chef) both sides (Public Safety)
- C-147 Dean J. Mazzearella, Mayor: Request the following Home Rule Petition be passed to request the State Legislature to authorize the Commonwealth to grant benefits to Thomas Kamataris:

#### Home Rule Petition

“Not withstanding any provisions in Chapter 32 of the Massachusetts General Laws, the Leominster Retirement Board is hereby authorized to grant Mr. Thomas Kamataris ordinary disability retirement benefits as calculated by Chapter 32, Section 6, subdivision (2) paragraph (b)”. (Ways & Means)

### **PETITIONS**

- 88-07 National Grid and Verizon New England, Inc.: Jungle Road Extension: Relocate one jointly owned pole on Jungle Road Extension beginning at a point approximately 300 feet southwest of the centerline of the intersection of New Lancaster Road and continuing approximately 13 feet in a northeasterly direction. (Public Service)

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**REGULAR MEETING OF THE CITY COUNCIL, continued****PETITIONS, continued**

- 89-07 National Grid and Verizon New England, Inc.: New Lancaster Road (Rte 117): Relocate eight jointly owned poles on New Lancaster Road beginning at a point approximately 25 feet northwest of the centerline of the intersection of Jungle Road Extension and continuing approximately 1300 feet in a northwesterly direction. (Public Service)
- 90-07 Lynn A. Bouchard, City Clerk: Amend Chapter 12, Section 12-2 of the Revised Ordinances entitled "Fee-Schedule" to reflect an increase in the fees charged for a certified copy of birth, marriage and death certificate from \$5.00 to \$10.00 and increase the fee for furnishing an abstract copy of a record of birth from \$3.00 to \$5.00; also deleting the fee for an abstract copy of a marriage and death record as these are no longer provided. (Legal Affairs)
- 91-07 Patrick LaPointe: Amend Chapter 21 Section 21-11.(a)3 entitled "Water Connection Charges" by deleting in it's entirety and inserting in it's place: (a) All individual domestic units including apartment units and condominium units within the city will be charged two thousand five hundred dollars (\$2,500.00) per connection. All individual domestic units including apartment units and condominium units out of the city will be charged three thousand five hundred dollars (\$3,500.00) per connection. This will serve as a connection and inspection fee that is valid through the last day of the year in which the permit was issued. (Legal Affairs)
- 92-07 Kenneth Ricker: Grant a Special Permit to use 5,000 square feet of an existing building at 215 Hamilton Street, located in an Industrial zone and shown on Assessors Map 229 as Lot 1, for a Sports Lounge. (Legal Affairs)
- 93-07 Stanley Pelletz, Pam Plastic Corporation: Grant a Special Permit to use an exiting building at 720 Mechanic Street, located in an Industrial zone and shown on Assessors Map 445 as Lot 30, for a wholesale/retail business. (Legal Affairs)
- 94-07 Dennis A. Rosa: Request the City Council and Ways & Means Committee draft a non binding public opinion advisory question that pertains to municipal building projects to be placed on the regular municipal election ballot, to be held on November 6, 2007. (Ways & Means)

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## **REGULAR MEETING OF THE CITY COUNCIL, continued**

### **PETITIONS, continued**

- 95-07 Carol and David Shields: Renew license for three pool tables at South Leominster Lounge d/b/a Forte's Lounge, 1030 Central Street. (Ways & Means)
- 96-07 William Plant: Renew license for nine pool tables at J.C. Fenwicks, 37 Mechanic Street. (Ways & Means)
- 97-07 Mason's Bowling Center: Renew license for 7 pool tables and 24 bowling alleys at Mason's Bowling Center, 640 R. North Main Street. (Ways & Means)

### **APPOINTMENTS**

Leominster Emergency Management – Rescue Unit – Erik Joseph LeBlanc

Leominster Housing Authority Board of Directors – Reverend John Doran – term to expire April 15, 2012

Doyle Field Commission – Patrick LaPointe – term to expire April 15, 2010

## **MATTERS BEFORE THE CITY COUNCIL**

### **FINANCE**

- C-94 Relative to the appropriation of \$212,500.00 to the School Department Capital Outlay Expense Account; same to be transferred from the Excess and Deficiency Account.
- C-126 Relative to the appropriation of \$50,000.00 to the Assessors Revaluation Expense Account; same to be transferred from the Excess and Deficiency Account.
- C-127 Relative to the appropriation of \$7,500.00 to the Municipal Building Expense Account; same to be transferred from the Excess and Deficiency Account.

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## **MATTERS BEFORE THE CITY COUNCIL, continued**

### **FINANCE, continued**

- C-128      Relative to the appropriation of \$2,000.00 to the Conservation Commission Expense Account; same to be transferred from the Wetland Fees Reserved for Appropriation Account.
  
- C-129      Relative to the appropriation of \$3,000.00 to the Conservation Commission Salary and Wages Account; same to be transferred from the Wetland Fees Reserved for Appropriation Account.
  
- C-130      Relative to the appropriation of \$4,100.00 to the Highway Overtime Account; same to be transferred from the Excess and Deficiency Account.
  
- C-131      Relative to the appropriation of \$7,500.00 to the Wire Department Overtime Account; same to be transferred from the Excess and Deficiency Account.
  
- C-132      Relative to the appropriation of \$50,000.00 to the Fire Department Overtime Account; same to be transferred from the Excess and Deficiency Account.

### **PUBLIC SERVICE**

- 79-07      Susan Perkins, New England Fun Centers, Roll On America: Allow Roll On America, 90 Duval Road, Lancaster, to connect into the Leominster water system.

### **LEGAL AFFAIRS**

- C-133      Dean J. Mazzearella: Request the authority (1) to acquire, by purchase, 28 +/- acres of land from the Trust for Public Land (Map 362, Lots 15 & 16) for open space and water supply protection purposes; and (2) to take by eminent domain, in order to confirm or clear title to 22 +/- acres acquired by the City of Leominster by deed for open space and water supply protection purposes (Map 512, Lot 3) (together, the "Properties"), said Properties to be dedicated in perpetuity to purposes stated in Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts including the protection of water resources and shall be fully protected by all provisions of Article 97, said Properties to be held for said purposes under the care, custody and control of the City's Department of Public Works, Water Division, acting by and through its Director, said Properties to be open to the general public for appropriate outdoor/recreational use while consistent with 310 CMR 22.00; and (3) to

## **MATTERS BEFORE THE CITY COUNCIL, continued**

### **LEGAL AFFAIRS, continued**

take any other action necessary to carry out this project and to accept a Drinking Water Supply Protection Grant and any other grants, reimbursements or payments or gifts of money and to enter on behalf of the City into all agreements and execute, acknowledge, deliver and/or record any and all instruments as may be necessary on behalf of the City to effect said purchase and/or taking and to comply with the requirements of any grant, reimbursement or purchase programs or gifts, with respect to the project; and further request that the Council take the above-referenced 22 +/- acres for the purpose of confirming or clearing the City's title to said land, and authorize the President to sign an Order of Taking.

- 71-07 Sarah Johnson: Change the winter parking ban so it is only in effect when there may be snow.

### **WAYS & MEANS**

- 80-07 Leroy J. Dimauro: Renew the second hand dealers license for the premises located at 609 Main Street.
- 81-07 Michael Nichols: Renew the second hand dealers license for Game Stop, Store #1485, located at 26 Orchard Hill Drive.
- 82-07 Michael Nichols: Renew the second hand dealers license for Game Stop, Store #3594, located at 100 Commercial Road.
- 83-07 Kevin Skelly: Grant a Hawkers & Peddlers license to sell balloons and novelties at the annual Starburst Festival to be held June 9, 2007.
- 84-07 Jacqueline Quinn: Grant a Hawkers & Peddlers license to sell balloons and novelties at the annual Starburst Festival to be held June 9, 2007.
- 85-07 Michael Quinn: Grant a Hawkers & Peddlers license to sell balloons and novelties at the annual Starburst Festival to be held June 9, 2007.
- 86-07 Rosario Palermo and Ralph Romano: Renew license for one pool table at Foggia Hall, 153 Lancaster Street.
- 87-07 Mary T. Jean: Request to set forth a reasonable yearly stipend for participation on the School Committee for elected members.

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## **MATTERS BEFORE THE CITY COUNCIL, continued**

### **APPOINTMENTS**

Board of Assessors – term to expire April 15, 2010  
James R. Dillon

Registrar of Voters – term to expire April 15, 2010  
Ann B. Mahan

### **ONE YEAR APPOINTMENTS TERMS TO EXPIRE APRIL 15, 2008**

Fence Viewers - John LaRose

Forest Warden – Paul Kennedy

Insect and Pest Control - Ralph Persons

Supt. Gypsy & Brown Tail Moths - Ralph Persons

Veterans Care of Graves - Ralph Sacramone

Weigher of Beef - Michael Ciccolini

Sealer of Weights & Measures - Joseph Quinn

Weigher of Chemicals - Delta Bulk Packaging

Weigher of Hay - Henry LaRose

Trustees of Soldiers Memorials - Kenneth Gurge

Emergency Management – Assistant Directors - James LeBlanc, Richard Gauvin

Emergency Management – Deputy Directors - Mark Lavoie, Thomas Piper, Daniel Thibodeau, Mark Darrigo

Emergency Management - Auxiliary Police Officers - Nikito Baker, Scott A Boutell, Ryan N. Caneen, John Caron, Reginald A. Cortana, Donn A. Deane, Justin E. Doyle, Michael J. Fazio, Vincente L. Figueroa, Kara L. Hartung, Eric C. Millar, Karen Nesbitt, Justin P. Nichols, Thomas Piper

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## **OLD BUSINESS**

2<sup>nd</sup> Reading Ordinance – Amend Chapter 13, Section 13-34 of the Revised Ordinances entitled “No Parking on Certain Streets” by inserting Vinton Street (both sides), from intersection with Mechanic Street in a southwesterly direction for a distance of twenty feet and Mechanic Street (south side), beginning at the intersection with Vinton Street in an easterly direction for a distance of twenty feet. (Legal Affairs Pet. #64-07)

Report of President’s Drinking Water Oversight Committee

## **NEW BUSINESS**

1<sup>st</sup> Reading Ordinance – Amend Chapter 13, Section 13-77 of the Revised Ordinances entitled “Stop Signs” by inserting “Gordon Avenue, against westbound drivers at Eighth Street.” (Legal Affairs Petition #68-07)

**RESOLUTION:** Authorize the Mayor to acquire and accept on behalf of the City, for general municipal purposes, the fee interest in two parcels of land located on Industrial Road and shown on a plan entitled “Plan of Land in Leominster, MA Prepared for the City of Leominster”, dated November 15, 2006, prepared by Whitman and Bingham Associates, LLC, on file with the City Clerk, one of which parcels is shown as “Lot 1” on said plan and contains 3 acres, more or less, for consideration of Five Hundred Fifty Thousand Dollars (\$550,000.00) and the other parcel is shown as “Lot 2” on said plan and contains 1 acre, more or less, by gift, which parcels are a portion of the premises described in a deed recorded with the Worcester North District Registry of Deeds in Book 5124, Page 173, and on such other terms as the Mayor deems appropriated; and take all actions necessary or convenient to accomplish the foregoing acquisition. (Ways & Means)

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## **TABLED PETITIONS UPON WHICH ACTION IS PROPOSED**

### **PUBLIC SERVICE**

70-07 Sharon Pelletier, et al: Accept Autumn Hill as a public street.

### **LEGAL AFFAIRS**

55-07 John Souza, on behalf of the Planning Board: Change the Leominster Zoning Ordinance Section 22-26 "Table of Uses" under General Uses in the Amusement category from "N" under Industrial to "SPPB".

58-07 Beth and Frank Novak and ten registered voters: Amend section 22-26, of the Leominster Zoning Ordinances entitled "Table of Uses" to allow Day Spas in a Residential B district, as a use allow by right.

### **CITY PROPERTY**

14-02 Mark A. Woodward: Request the City Council use all of its authority to help obtain a truck restriction for Harvard Street from the northerly side of ESP Lock Company's Driveway to Prospect Street.

115-04 Olga Valera: Request a comprehensive study into the area of Rockwell Pond, including Chicken Harbor also that the Council develop a plan to rectify changes that have been made to the shoreline and ultimately restore Chicken Harbor the area behind 132 West Street to its original state.

72-06 Attorney Steven B. DiPace on behalf of the Richmond Company Inc.: Authorize the sale, exclusive easement or long term exclusive-use lease of twelve parking spaces on the city-owned parcel of land between Central Street and Adams Street and enter into a non-exclusive mutual cross-access easement for access to and from the proposed Walgreen's land, the city-owned parking lot and the public ways abutting such land to be utilized exclusively by and for the benefit of the proposed new Walgreens which is to be constructed on the site currently occupied by Monty's Restaurant which will be demolished as part of the area development plan.

14-07 Richard M. Marchand: Request that the Mayor enter into negotiations and purchase the Julie Country Day School.

**TABLED PETITIONS UPON WHICH ACTION IS PROPOSED, continued****CITY PROPERTY, continued**

- 52-07      John Dombrowski and Robert Salvatelli: Request that the Mayor enter into negotiations and discussions with Fitchburg State College or another similar college or university for the purpose of providing college courses at the newly constructed and renovated library.
- 59-07      William C. (Bud) Taylor II: Request to rename Kingman Drive to “Brandon Martinez Memorial Boulevard” and place an appropriate marker on Leominster High School property to commemorate the life of the late student.

Lynn A. Bouchard  
City Clerk  
May 10, 2007